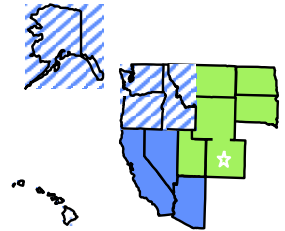




US Army Environmental Center  
Western Regional Environmental Office  
REGION 10 – APRIL 2003  
**WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 10 area: Alaska, Idaho, Oregon and Washington. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19<sup>th</sup> Street, Room 427, Denver, CO 80202-2500, phone (303) 844-0954, fax (303) 844-0951, or email [mgedgaud@rma.army.mil](mailto:mgedgaud@rma.army.mil)

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**DID YOU KNOW?**

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**FINAL RULE - PREVENTION OF SIGNIFICANT DETERIORATION (PSD)**– On 10 March 2003 (68 FR 11316), EPA revised the applicable implementation plans concerning the PSD program mandated by the Clean Air Act. These revisions incorporate newly promulgated paragraphs of the Federal PSD rule into the federal implementation plan portion of a state's implementation plan where the state does not have an approved PSD State Implementation Plan in place. Specifically, the revisions incorporate new applicability provisions in the Federal PSD rules for baseline emissions determination, actual-to-projected-actual methodology, plant-wide applicability limitations, clean units, and pollution control projects. The changes are intended to ensure comprehensive and consistent implementation of the Federal PSD program by state, local, and tribal agencies where EPA has determined that they have the responsibility to implement the Federal PSD program. The rule was effective 3 March 2003. For further information, contact Lynn Hutchinson, EPA at (919) 541-5795, or e-mail: [hutchinson.lynn@epa.gov](mailto:hutchinson.lynn@epa.gov).

#### WASTE INFORMATION:

**REVISED GUIDANCE– SUPERFUND EXPOSURE ASSESSMENT UPDATE** - EPA has posted an updated version of the Superfund risk assessment guidance, titled, "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites." The document is an update to the 1992 guidance originally developed to supplement EPA's Risk Assessment Guidance for Superfund that describes a general approach for estimating exposure of individuals to chemicals of potential concern at hazardous waste sites. The update is available at <http://www.epa.gov/superfund/programs/risk/ragsa/ucl.pdf>.

**REVISED GUIDANCE –SOIL SCREENING AND INSTITUTIONAL SITE CONTROLS** - EPA has posted guidance documents relevant to site remediation. The guidance documents are titled: (1) "Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites," and (2) "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups, August 2002." The guidance documents: (1) provide Superfund, brownfields, federal facility, UST, and RCRA corrective action site managers and site attorneys with an overview of responsibilities for the implementation, monitoring, and enforcement of institutional controls at their sites; and (2) discuss common issues site managers and site attorneys may encounter when carrying out the responsibilities. The respective guidance documents are available at [http://www.epa.gov/superfund/resources/soil/ssg\\_main.pdf](http://www.epa.gov/superfund/resources/soil/ssg_main.pdf), and <http://www.epa.gov/superfund/action/ic/guide/icdraft.pdf>.

#### WATER INFORMATION:

**FINAL RULE – WITHDRAWAL OF JULY 2000 TMDL AMENDMENTS** - On 19 March 2003 (68 FR 13607), EPA withdrew the final rule entitled "Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation" published on 13 July 2000. The July 2000 rule amended and clarified existing regulations implementing a section of the Clean

Water Act (CWA) that requires states to identify waters that are not meeting applicable water quality standards and to establish pollutant budgets, called Total Maximum Daily Loads (TMDLs), to restore the quality of those waters. The July 2000 rule also amended EPA's National Pollutant Discharge Elimination System (NPDES) regulations to include provisions addressing implementation of TMDLs through NPDES permits. The July 2000 rule has never become effective. EPA withdrew the July 2000 rule because it believes that significant changes would need to be made to the July 2000 rule before it could represent a workable framework for an efficient and effective TMDL program. Furthermore, EPA needs additional time to decide whether and how to revise the currently effective regulations implementing the TMDL program in a way that will best achieve the goals of the CWA. The withdrawal of the July 2000 rule will not impede ongoing implementation of the existing TMDL program. The rule withdrawal will be effective 18 April 2003. For further information, contact Francoise Brasier, EPA at (202) 566-2385.

**PROPOSED RULE – PROCEDURES FOR DETECTION AND QUANTITATION** – On 12 March 2003 (68 FR 11770), EPA proposed revisions to the procedures for determining the sensitivity of analytical methods under the Clean Water Act (CWA). EPA's method detection limit (MDL) and minimum level of quantitation (ML) are used to define test sensitivity under the CWA. The MDL is used to determine the lowest concentration at which a substance is detected or is "present" in a sample. The ML appears in many EPA methods and has been used to describe the lowest concentration of a substance that gives a recognizable signal, or as a quantitation limit. The proposed revisions include clarifications and improvements that are based on a recent EPA assessment of the MDL and the ML and of alternative approaches for defining test sensitivity, peer review of the Agency's assessment, and earlier stakeholder comments on the existing MDL procedure. This proposal also revises the definition of the MDL to reflect the proposed revisions to the procedure. EPA's assessment of existing procedures for determining test sensitivity and alternative approaches was also made available for public comment in a separate notice in the Federal Register (68 FR 11791). Comments must be received by 10 July 2003. For further information, contact William Telliard, EPA at (202) 566-1061, or e-mail: [telliard.william@epa.gov](mailto:telliard.william@epa.gov).

**PROPOSED RULE – OCEAN DUMPING SITES ON COLUMBIA RIVER** – On 11 March 2003 (68 FR 11488), EPA proposed to de-designate four existing ocean dredged material disposal sites located off the mouth of the Columbia River near Oregon and Washington, and to designate two new sites for the ocean disposal of dredged material. The two new sites are needed for long-term use by authorized Columbia River navigation projects and may be available for use by others meeting the criteria for ocean dumping of dredged material. The designation of new ocean disposal sites by EPA is necessary to provide acceptable sites for current and future dredged material disposal needs. The proposed site designations will be for an indefinite period of time. The sites will be subject to continuing monitoring and management to ensure that unacceptable, adverse environmental impacts do not occur. The de-designation of existing sites is necessary to discontinue the use of designated sites where the impact of disposal has resulted in changed site conditions. Comments are due by 25 April 2003. For further information, contact John Malek, EPA at (206) 553-1286.

### **GENERAL INFORMATION:**

**NOTICE OF AVAILABILITY – DRAFT EPA 2003-2008 STRATEGIC PLAN** - EPA has released its draft FY 2003-2008 Strategic Plan and requested public comments. The Plan lays out EPA's long-term goals and will be used as a guide for measuring progress and prioritizing environmental issues. The Strategic Plan is built around five goals, centered on the themes of air, water, land, communities and ecosystems, and compliance and environmental stewardship. In addition, the Plan discusses strategies EPA is applying across all five goals, in areas such as science, human capital, innovation, information, homeland security, and partnerships. The Plan is available at <http://www.epa.gov/ocfo/plan/2003sp.pdf>. Comments are due by 25 April 2003.

**NOTICE OF AVAILABILITY – POLLUTION PREVENTION GRANTS** - On 10 March 2003 (68 FR 11391), EPA announced the availability of approximately \$5 million available in fiscal year 2003 grant/cooperative agreement funds under the Pollution Prevention grant program. Grants/cooperative agreements will be awarded under the authority of the Pollution Prevention Act (PPA), subject to the availability of funds at the time of award. The PPA authorizes EPA to award grant funds to State, Tribal,

and Intertribal Consortia programs that address the reduction or elimination of pollution across environmental media (air, land, and water) and to strengthen the efficiency and effectiveness of pollution prevention technical assistance programs in providing source reduction information to businesses. The notice describes the procedures and criteria for the award of these grants. For further information, contact Barbara Cunningham, EPA at (202) 554-1404, or e-mail: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).



## GENERAL INFORMATION

### **NOTICE OF AVAILABILITY – GAO RECOMMENDATIONS FOR IMPROVING THE UST PROGRAM -**

The Government Accounting Office (GAO) has released a report reviewing the underground storage tank program (GAO-03-529T). The report discusses the need for on-site inspection to establish compliance with monitoring and other requirements. The report indicates that officials in 40 states support a federal mandate requiring states to periodically inspect all tanks, in part because they expect that such a mandate would provide the states with needed leverage to obtain the requisite inspection staff and funding from their legislatures. For further information, contact John Stephenson, GAO at (202) 512-3841, or link: <http://www.gao.gov/new.items/d03529t.pdf>.

### **FINAL POLICY - EVALUATION OF CONSERVATION EFFORTS WHEN MAKING LISTING**

**DECISIONS** – On 28 March 2003 (68 FR 15100), the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) finalized their policy for the evaluation of conservation efforts when making listing decisions under the Endangered Species Act. The policy identifies criteria the Services will use in determining whether formalized conservation efforts that have yet to be implemented or to show effectiveness contribute to making listing a species as threatened or endangered unnecessary. The policy applies to conservation efforts identified in conservation agreements, conservation plans, management plans, or similar documents. The policy establishes two basic criteria: (1) the certainty that the conservation efforts will be implemented (based on funding, authority, procedures, schedule) and (2) the certainty that the efforts will be effective. For further information, contact Chris Nolin, FWS at (703) 358-2171, or Margaret Lorenz, NMFS at (301) 713-1401.

**NOTICE OF AVAILABILITY – SITE ASSISTANCE VISITS LESSONS LEARNED** – The Army Environmental Center led an integrated government team in conducting a series of Staff Assistance Visits (SAV) to installations representing five of the Army's Major Commands. The SAVs were structured to promote open discussion, address installation concerns, and identify issues that must be further addressed by command and support activities. The "Site Assistance Visits Lessons Learned" document describes the observations and findings of the SAV team members, including such issues of concern as the Military Munitions Rule, including DoD's Implementation Policy, and other ancillary federal, DoD, and Army regulations and requirements. The document is available at <https://www.denix.osd.mil/denix/DoD/legislation/range/savs0202.pdf> (user account required).

**EXECUTIVE ORDER 13287 – HISTORICAL PROPERTIES** – On 5 March 2003 (68 FR 10635), the President issued Executive order 13287 "Preserve America." The order requires federal agencies to recognize and manage the historical properties in their ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values.

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## **UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS**

### **WATER RESOURCE MANAGEMENT WORKSHOP**

**15-16 April, 2003 – Denver, Colorado**

The Federal Energy Management Program is presenting this workshop for facility resource managers responsible for water management and conservation, and for adherence to Executive Order 13123. The course will cover legislation and legal issues concerning water management in the federal sector; impacts of Executive Order 13123; opportunities for water conservation; auditing, leak detection and metering; drought management; and integrated resource planning. For more information or to register, link <http://www.pnl.gov/femp>.

### **INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**

**15-17 April 2003 – Anchorage, Alaska**

**26-28 August 2003 – Seattle, Washington**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

### **26<sup>TH</sup> ANNUAL CONFERENCE ON ANALYSIS OF POLLUTANTS IN THE ENVIRONMENT**

**29-30 April 2003 – Chicago, Illinois**

EPA's Office of Water's Office of Science and Technology, and Battelle will co-sponsor the "26th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public. For information on registration, contact Jennifer Maglinao at (703) 461-2137, or e-mail: [Jennifer.maglinao@DynCorp.com](mailto:Jennifer.maglinao@DynCorp.com). For technical questions regarding the conference, contact Marion Kelly by e-mail at [kelly.marion@epa.gov](mailto:kelly.marion@epa.gov).

### **DSMOA TRAINING WORKSHOPS**

**30 April-1 May 2003 – Seattle, Washington**

**6-7 May 2003 – Anchorage, Alaska**

DoD has announced its 2003 series of workshops for the DoD and State Memorandum of Agreements (DSMOA) training initiative. These workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. Both DoD and state DSMOA personnel are encouraged to attend. For more information or to register, link <http://www.enstg.com/conference>.

### **25<sup>TH</sup> SYMPOSIUM ON BIOTECHNOLOGY FOR FUELS & CHEMICALS**

**4-7 May 2003 – Breckenridge, Colorado**

The National Renewable Energy Laboratory is sponsoring this symposium, which focuses on improving the economics of fuel and chemical production. The program will cover the latest research breakthroughs and results in biotechnology. A variety of formal technical sessions, poster sessions, and informal discussion groups will provide an exchange of information for attendees. For more information or registration, link [http://www.nrel.gov/biotech\\_symposium](http://www.nrel.gov/biotech_symposium).



**ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING****7-8 May 2003 – San Francisco, California****28-29 May 2003 – Seattle, Washington****16-17 July 2003 - San Diego, California (tentative)**

EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, contact Kaye McNissey at (206) 553-1616, or e-mail:

[mcknissey.kaye@epa.gov](mailto:mcknissey.kaye@epa.gov).

**INTERMEDIATE HEALTH RISK COMMUNICATION WORKSHOP****12-15 May 2003 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

**UXO BASIC TRAINING****13-14 May 2003 – Anchorage, Alaska****21 May 2003 – Colorado Springs, Colorado**

This Interstate Technology and Regulatory Council workshop is designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Topics include OE/UXO identification, safety concerns, regulatory requirements, conventional and innovative technology, site characterization, and remediation. For more information or to register, contact Stacey Kingsbury at (540) 557-6065, e-mail: [stacey\\_kingsbury@wpi.org](mailto:stacey_kingsbury@wpi.org), or link: <http://www.ITRCweb.org>.

**9<sup>TH</sup> NATIONAL CLEAN CITIES CONFERENCE****18-21 May 2003 – Palm Springs, California**

The Department of Energy is sponsoring this conference and exposition. Topics will include alternative fuel vehicles, energy security, and clean air. For more information or to register, link [http://www.ccities.doe.gov/conference/palm/palm\\_home.shtml](http://www.ccities.doe.gov/conference/palm/palm_home.shtml).

**REAL WORLD CLEAN AIR SYMPOSIUM****19-22 May 2003 – Seattle, Washington**

This event will be sponsored by the U.S. Army Forces Command, Hill Air Force Base, Fort Irwin, and the West Coast Section, Air and Waste Management Association, with support from the Army Training and Doctrine Command, the Army Environmental Center, and EPA. Topics to be addressed include installation sustainability, Environmental Management Systems, installation air program management, pollution prevention, and homeland security. For more information, contact Michelle Kubal at (937) 254-7950, ext. 1168, e-mail [mkubal@anteon.com](mailto:mkubal@anteon.com), or link <http://www.usasymposium.com>.

**11<sup>th</sup> ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM****19-22 May – Sparks, Nevada**

The Joint Ordnance Commanders Group and the National Defense Industrial Association are presenting this symposium to support DoD in efforts directed at reducing the stockpile of excess and obsolete munitions. Topics include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information, contact Paul Cole at (918) 420-8823, or link <http://www.ndia.org/events/brochure/3580/>.

**SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP****20-21 May 2003 – Indianapolis, Indiana****22-23 July 2003 – Washington, DC**

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will

learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

### **FEDERAL ENERGY DECISION SYSTEM WORKSHOPS**

**21-23 May 2003 – Anchorage, Alaska**

The Federal Energy Management Program is presenting two courses on the Federal Energy Decision System (FEDS). The Introduction to FEDS will be on 21 May, followed by a two-day advanced course. Participants will learn the features and capabilities of the FEDS 5.0 software and use it to quickly and objectively identify energy improvements for maximum cost-effective savings in accordance with life-cycle-costing methodology. For more information or to register, link <http://www.pnl.gov/femp>.

### **NATIONAL SOURCE WATER PROTECTION CONFERENCE**

**2-4 June 2003 – Washington, DC**

EPA's Office of Water is presenting this conference to promote protection planning and coordination, foster partnerships, and identify opportunities that lead to successful implementation of drinking water protection. The conference is intended for Federal, state, local and tribal officials, interstate organizations, watershed managers, and members of environmental, public health, business, and citizens' organizations. For more information, link: <http://www.epa.gov/safewater/protect/swpconf.html>.

### **2003 ARMY CWA/SDWA WORKSHOP**

**2-5 June 2003 – Albuquerque, New Mexico**

The Army is sponsoring this water issues workshop for Army environmental personnel to increase the understanding of the requirements and challenges of CWA and SDWA management at all levels of Army organization. The workshop will include presentations relevant to installation environmental concerns such as DoD perspective and insight, technical and regulatory updates, lessons learned at installations, and panel discussions. The final agenda is being developed. For more information, contact Kristin MacAulay at (937) 384-4242, e-mail: [Kristin.MacAulay@westonsolutions.com](mailto:Kristin.MacAulay@westonsolutions.com), or link: <http://dm.westonproject.net/wiw/>.

### **AIR AND WASTE MANAGEMENT ANNUAL CONFERENCE & EXHIBITION**

**22-26 June 2003 – San Diego, California**

AWMA will be presenting its 96<sup>th</sup> annual conference with the theme: "Environment in the Balance...THE JOURNEY AHEAD," and will focus on "Energy, Economy & Global Challenges." AWMA has issued a call for Abstracts and had posted a Technical Program grid on its website. For more information, link <http://www.awma.org>.

### **8<sup>TH</sup> ANNUAL JOINT SERVICES P2 & HAZARDOUS WASTE MANAGEMENT CONFERENCE**

**11-14 August 2003 – San Antonio, Texas**

The Naval Facilities Engineering Command and the Air Force Center for Environmental Excellence are co-hosting this conference, which will provide an open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention and hazardous waste management. This year's theme is: "Sustaining Readiness Through Environmental Stewardship." A call for abstracts has been issued, with a closing date of 5 March 2003. For more information, link: <http://www.p2-hwmconference.com>.

### **CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT**

**5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. Abstracts are requested by 20 June 2003. For more information, link: <http://www.battelle.org/rangecon>.

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



### ALASKA

#### WASTE INFORMATION:

##### **FINAL REGULATION – UNDERGROUND STORAGE TANK SPILL RESPONSE AND OPERATIONS –**

The Alaska Department of Environmental Conservation has adopted amendments to its requirements for corrective action for spills from underground tanks and the operation and maintenance of underground tanks. For corrective action, the amendments include: (1) modifying references to guidance documents; (2) correcting errors; (3) clarifying the intent and purpose of the regulations; (4) updating soil cleanup levels; (5) modifying offsite and portable treatment facilities requirements; (6) adding a timeframe for appeals; (7) modifying various definitions; (8) modifying and adjusting civil penalties; and (9) modifying sampling and analysis requirements. For tank operation and maintenance, the amendments include: (1) simplifying and clarifying the UST prevention, operation, and maintenance requirements; (2) revising priority ranking scoring for continuing projects and loan priority ranking exemption; (3) revising the Board of Storage Tank Assistance funding application and allocation language; (4) revising dispute resolution to allow for more flexibility; (5) correcting errors and incorrect cross referencing to other sections; (6) eliminating the grandfather clauses that reference old analytical lab methods; (7) making improvements to standardize the requirements to assist third party inspectors in the evaluation of operations compliance of UST systems; (8) eliminating duplicative leak detection requirements; (9) modifying offsite and portable treatment facilities requirements; (10) updating codes of practice; (11) updating spill and overfill control requirements; (12) making improvements to promote clarity of intent and purpose of the regulations; (13) updating and modifying references to the UST Procedures Manual and other reference documents and guidance; and (14) making the regulations consistent with statutes. The amendments were effective 30 January 2003. For more information, contact Cynthia Pring-Ham at (907) 465-5301, or link: [http://www.state.ak.us/dec/dec\\_cal.htm#ust](http://www.state.ak.us/dec/dec_cal.htm#ust).

#### Legislative Developments:

The 2003 legislative session convened 21 January. The Legislature will adjourn 21 May. For current information on the legislative session, link <http://www.legis.state.ak.us/>.

**ALASKA HB 81 – INSPECTION AND MAINTENANCE PROGRAMS** - States that as a part of a motor vehicle pollution control program, the Department of Environmental Conservation or a municipality that enforces a motor vehicle pollution control program may determine if a vehicle is properly registered as required by law. States that a person who fails to display an emissions inspection decal as required by law shall be fined \$500. Introduced and referred to House Transportation Committee 7 February 2003. The sponsor is Representative Kevin Meyer (R).

**ALASKA HB 160 – AIR EMISSIONS** - States that the owner and operator of a stationary source is required to obtain an operating permit from the Department of Natural Resources if the stationary source: (1) emits or has the potential to emit 100 TPY or more of a regulated air pollutant; (2) emits or has the potential to emit 10 TPY or more of a hazardous air pollutant or 25 TPY or more, in the aggregate, of two or more hazardous air pollutants; (3) contains an emission unit subject to federal new source performance standards or national emission standards for hazardous air pollutants. Introduced 5 March 2003. Referred to House Finance Committee 17 March. The sponsor is the House Rules Committee.



**ALASKA HB 192 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Authorizes the Department of Natural Resources to lead and coordinate the permitting activities of all agencies with jurisdiction over permitting. Introduced and referred to House Resources Committee 12 March 2003. The sponsor is the House Rules Committee.

**ALASKA HCR 10 – LAND USE** - Recognizes the importance of maintaining and restoring healthy riparian habitats through partnerships with community groups and nonprofit organizations that raise funds for riparian habitat restoration through corporate contributions. Introduced and referred to House Fisheries Committee 28 February 2003. The sponsor is Representative Kelly Wolf (R).

**ALASKA HSCR 1 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Disapproves of Executive Order 107 because it transfers responsibility for protection of fish and game habitat from the Department of Fish and Game, the public Board of Fisheries and the Board of Game to the Deputy Commissioner of the Department of Natural Resources. Introduced and referred to House Special Committee on Fisheries 10 March 2003. The sponsor is Representative Les Gara (D).

**ALASKA SB 9 – CLEANUP** - Creates requirements for the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored. Effective immediately. Introduced and referred to Senate State Affairs Committee 21 January 2003. Amended and reported from Committee 11 February. Referred to Senate Judiciary Committee 12 February. The sponsor is Representative Gretchen Guess (D).

**ALASKA SB 116 – AIR EMISSIONS** - States that, except for the owner and operator of a stationary source exempted under law, the owner and operator of a stationary source is required to obtain an operating permit from the Department of Environmental Conservation if the stationary source: (1) emits or has the potential to emit 100 TPY or more of a regulated air pollutant; (2) emits or has the potential to emit 10 TPY or more of a hazardous air pollutant or 25 TPY or more, in the aggregate, of two or more hazardous air pollutants; or (3) contains an emission unit subject to federal new source performance standards or national emission standards for hazardous air pollutants. Introduced and referred to Senate Resources Committee 6 March 2003. Hearing held 12 March. The sponsor is the Senate Rules Committee.

**ALASKA SB 142 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Authorizes the Department of Natural Resources to lead and coordinate the permitting activities of all agencies with jurisdiction over permit coordination. Introduced and referred to Senate Resources Committee 12 March 2003. The sponsor is the Senate Rules Committee.



## IDAHO

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### Regulatory Developments & Other State Information

No significant regulatory activities to report.

### Legislative Developments

The 2003 legislative session convened 6 January. The Legislature adjourned 3 March. For current information on the 2003 session, link <http://www2.state.id.us/legislat/>.

**IDAHO HB 118 – RECYCLING (USED OIL)** - Allows a 5% purchasing preference for recycled oil products. Introduced 24 January 2003. Failed in House 10 February. The sponsor is Representative Tom Trail (R).

**IDAHO HB 198 – WASTE** - Amends and adds to existing law to govern the storage and disposal of waste tires through issuance of permits by cities and counties. States requirements for financial responsibility. States penalties for violations. Introduced 7 February 2003. Referred to House Environmental Affairs Committee 10 February. Reported from Committee 13 February. The sponsor is the House Environmental Affairs Committee.

**IDAHO HB 212 –INVASIVE SPECIES** - Creates the Idaho Invasive Species Council to foster coordinated approaches to address invasive species issues. Requires an invasive species strategic plan to be completed by 1 January 2004. Introduced 10 February 2003. The sponsor is the House Resources and Conservation Committee.

**IDAHO HB 284 – WATER USE** – Changes existing law regarding applications for appropriation of water, change in point of diversion, place of use, period of use or nature of use of water under established rights, certain exchanges of water and proposed rentals of water from the water supply bank. Clarifies the manner in which minimum stream flow water rights may be established. Introduced 20 February 2003. Referred to House Resources and Conservation Committee 21 February. The sponsor is the House Ways and Means Committee.

**IDAHO HCR 15 – AIR QUALITY** - Rejects Department of Environmental Quality regarding Idaho air pollution. Prevents the agency rules from going into effect. Introduced and referred to House Environmental Affairs Committee 11 February 2003. The sponsor is the House Environmental Affairs Committee.

**IDAHO HCR 16 – SEWAGE** - Rejects Department of Environmental Quality rules relating to individual/subsurface sewage disposal. Prevents the agency rules from going into effect. Introduced and referred to House Environmental Affairs Committee 11 February 2003. Reported from Committee 13 February. The sponsor is the House Environmental Affairs Committee.

**HCR 25 – AIR QUALITY** - Rejects Department of Environmental Quality rules relating to the control of air pollution in Idaho. Introduced 24 February 2003. The sponsor is the House Ways and Means Committee.

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## OREGON

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### AIR INFORMATION:

#### **FINAL REGULATION – ADOPTION OF FEDERAL NESHAP AND MACT REGULATIONS -**

The Oregon Department of Environmental Quality (DEQ) has adopted by reference federal NESHAPs and MACT standards. The amendments include: (1) standards for existing municipal waste combustors; (2) new application deadlines for state MACT for existing sources; (3) NESHAP for boat manufacturing; (4) NESHAP for cellulose production manufacturing; (5) NESHAP for metal coil (surface coating); (6) NESHAP for petroleum refineries; (7) NESHAP for primary copper; (8) NESHAP for wet formed fiberglass mat production; and (9) removal of the performance testing requirement and compliance demonstration deadline from state MACT for new and reconstructed major hazardous air pollutant sources. The standards were effective 6 February 2003. For more information, contact Jerry Ebersole at (503) 229-6974, or link: [http://arcweb.sos.state.or.us/rules/0303\\_Bulletin/0303\\_ch340\\_bulletin.html](http://arcweb.sos.state.or.us/rules/0303_Bulletin/0303_ch340_bulletin.html)

### WASTE INFORMATION:

**FINAL REGULATION – UNDERGROUND STORAGE TANKS** – The Oregon DEQ has adopted amendments to its underground storage tank (UST) regulations. The amendments: (1) modify leak detection and prevention requirements; (2) add mandatory training, which is to be completed by 1 January 2004, for UST operators; (3) provide expedited enforcement pilot program that streamlines DEQ's UST enforcement; (4) revise the classification of UST violations; (5) reformat and clarify federal UST regulations incorporated into DEQ's rules; and (6) make minor changes to definitions. The amendments were effective 14 February 2003. For more information, contact Mitchell Scheel at (503) 229-6704, or link: [http://arcweb.sos.state.or.us/rules/0303\\_Bulletin/0303\\_ch340\\_bulletin.html](http://arcweb.sos.state.or.us/rules/0303_Bulletin/0303_ch340_bulletin.html).

### WATER INFORMATION:

**FINAL REGULATION – OIL SPILL PLANNING** – The Oregon DEQ has adopted new oil spill planning rules. The rules create: (1) spill response zones within the State's navigable waters; (2) requirements for the amount of equipment identified in an oil spill contingency plan that must be regularly located in these zones; (3) new methods for procuring the services of an oil spill removal contractor in the event of a spill; (4) new fees, including fees for cargo vessels more than 300 gross tons, tank vessels, barges, and facilities that are required to have approved contingency plans; and (5) requirements for oil spill contingency and prevention plans from all operators of liquid petroleum pipelines. DEQ also adopted new rules that will: (1) clarify roles, responsibilities and authorities of responsible parties; (2) make the State's reportable quantities (RQs) for hazardous materials consistent with federal requirements; (3) make the State's RQs for pesticides consistent with federal requirements RQs for pesticide materials and with other State rules and statutes; and (4) create enforcement procedures and civil penalties governing violation of rules related to oil spill contingency planning, emergency response to spills, spill reporting, and reporting of ballast water management activities by ocean going vessels. The rules were effective 31 January 2003. For more information, contact Edmund Wilson at (503) 229-5373, or link: [http://arcweb.sos.state.or.us/rules/0303\\_Bulletin/0303\\_ch340\\_bulletin.html](http://arcweb.sos.state.or.us/rules/0303_Bulletin/0303_ch340_bulletin.html).

### Legislative Developments

The 2003 legislative session convened 13 January. The Legislature will adjourn 3 July. For current information on the legislative session, link <http://www.leg.state.or.us>.

**OREGON HB 2036 – SCRAP TIRES** - Establishes Waste Tire Recycling Board. Specifies membership and duties. Directs Governor to appoint five members to board. Establishes waste tire recycling goals. Introduced and referred to House Environment and Land Use Committee 14 January 2003. The sponsor is Representative Jeff Kropf (R).

**OREGON HB 2037 – SCRAP TIRES** - Establishes statewide recycling and recovery goal for waste tires. Modifies purposes for which Waste Tire Recycling Account may be used. Directs Environmental Quality Commission to increase per-ton fee if statewide goal for waste tires is not met. Introduced and referred to House Environment and Land Use Committee 14 January 2003. The sponsor is Representative Jeff Kropf (R).

**OREGON HB 2204 – WATER QUALITY** - Revises intent of Legislative Assembly regarding state recycling programs. Authorizes Oregon Department of Administrative Services to contract as necessary for recycling of products collected for recycling by state government. Deletes requirement for separate recycling plan for Legislative Assembly. Deletes provisions concerning use of revenues or savings realized from recycling programs. Introduced 14 January 2003. Referred to House Judiciary Committee 22 January. Hearing held 12 February. The sponsor is Representative Theodore Kulongoski (D).

**OREGON HB 2248 – UNDERGROUND STORAGE TANKS** - Imposes examination fee for licensing in professions involving liquid petroleum gas. Changes fees for liquid petroleum gas installation license. Increases fees for liquid petroleum gas dealer storage tank inspections and liquid petroleum gas container or receptacle installations or changes. Introduced 14 January 2003. Work session held 14 February. The sponsor is Representative Theodore Kulongoski (D).

**OREGON HB 2458 – ENDANGERED SPECIES** - Directs State Fish and Wildlife Commission to remove species from list of threatened species or endangered species when species is removed from federal Endangered Species Act. Introduced 28 January 2003. The sponsor is Representative Bob Jenson (D).

**OREGON HB 2466 – HAZARDOUS MATERIALS** - Changes basis by which employers pay hazardous substance fees under Community Right to Know and Protection Act. Specifies that employers required to return hazardous substance survey to State Fire Marshal pay annual fee. Directs State Fire Marshal to assess fee based on amount of hazardous substances reported on survey. Allows local government to assess hazardous substance fee to fund hazardous substance planning activities. Introduced 28 January 2003. The sponsor is Representative Tom Butler (R).

**OREGON HB 2468 – ENDANGERED SPECIES** - Prohibits State Fish and Wildlife Commission from listing threatened and endangered species that are listed under federal law. Introduced 28 January 2003. Referred to House Environment and Land Use Committee 31 January. Hearing held 13 February. The sponsor is Representative Bob Jenson (R).

**OREGON HB 2513 – WATER QUALITY** - Requires the Department of Agriculture to review the water quality management plan and rules two years after adoption of plan and rules to determine the effectiveness of the plan and to determine whether operational difficulties exist. Prohibits the Department from imposing a civil penalty for noncompliance before completion of the two-year review. Effective immediately. Introduced and referred to House Water Committee 5 February 2003. Hearing held 6 March. The sponsor is Representative Jeff Kruse (R).

**OREGON HB 2533 – HAZARDOUS MATERIALS** - Exempts persons not required to file toxics use reduction and hazardous waste reduction plan from payment of fee for possession of hazardous substances. Effective immediately. Introduced and referred to House Environment and Land Use Committee 3 February 2003. Hearing held 13 February. The sponsor is Representative Thomas Butler (R).

**OREGON HB 2644 – HAZARDOUS WASTE** - Extends temporary schedule for monthly hazardous waste management fees to 1 January 2006. Introduced 13 February 2003. Referred to House Environment and Land Use Committee with subsequent referral to Ways and Means Committee 19 February. The sponsor is the House Committee on Environment and Land Use.

**OREGON HB 2820 – LAND USE** - Requires Land Conservation and Development Commission, Department of Land Conservation and Development, state agency or local government, when applying land use planning goal relating to protection of natural resources and conservation of scenic, historic and open space resources, to assess and consider economic impact on lots, parcels or tracts to which goal applies. Introduced and referred to House Environment and Land Use Committee 5 March 2003. The sponsor is Representative Derrick Kitts (R).

**OREGON HB 2947 – AIR EMISSIONS** - Creates offense of unlawfully idling motor vehicle engine. Punishes by fine of \$150. Directs Environmental Quality Commission to establish and implement heavy-duty diesel vehicle testing program. Introduced 5 March 2003. Referred to House Transportation Committee 11 March. The sponsor is Representative Steve March (D).

**OREGON HB 2971 – ELECTRONIC WASTE** - Prohibits disposal of cathode ray tubes at solid waste disposal sites. Directs the Environmental Quality Commission to develop a program that encourages recycling of cathode ray tubes. Requires registration of an object that contains a cathode ray tube and payment of a fee at time of purchase of object. Introduced 6 March 2003. Referred to Ways and Means 12 March. The sponsor is Representative Prozanski (D).

**OREGON HB 2977 – WATER USE** - Requires all water users to measure amounts of water withdrawn or stored. Allows Water Resources Commission to require water users to report water use measurements. Introduced 6 March 2003. Referred to House Water Committee 12 March. The sponsor is Representative Jackie Dingfelder (D).

**OREGON HB 3563 – ELECTRONIC WASTE** - Directs the Environmental Quality Commission to develop environmentally sustainable program for disposal of electronic products. Imposes \$3 fee at point of sale of electronic products. Introduced and referred to Speaker's desk 13 March 2003. The sponsor is Representative Billy Dalto (R).

**OREGON SB 196 – HAZARDOUS WASTE** - Establishes Hazardous Waste Technical Assistance Fund. Requires that certain penalties collected by DEQ be deposited into fund. Directs fund to be used for technical assistance and information program. Requires generators of hazardous waste to pay one-time processing fee for obtaining EPA identification number. Directs DEQ to enter into negotiations with EPA to gain acceptance of technical assistance services as part of authorized program. Sets annual fee for hazardous waste generators based on metric tons of waste generated. Introduced 15 January 2003. The sponsor is Senator Peter Courtney (D).

**OREGON SB 645 – WETLANDS** - Defines isolated wetlands and marginal wetlands for regulation of removal and filling of material. Allows removal and filling of material in certain isolated and marginal wetlands and in wetlands of less than one acre in size to occur without permit. Allows city with population of 50,000 or fewer persons to develop approval or denial procedures for development permits, building permits or actions that affect marginal and isolated wetlands. Introduced 24 February 2003. The sponsor is Senator Ted Ferrioli (R).

**OREGON SB 867 – ELECTRONIC WASTE** - Creates Advisory Committee on Electronic Products Stewardship. Directs committee to work with Department of Environmental Quality to develop rules for economically sustainable electronic products recycling or disposal. Introduced and referred to Senate Rules Committee 12 March. The sponsor is the Rules Committee.

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## WASHINGTON

### Regulatory Developments & Other State Information

**FINAL STRATEGY – MERCURY ACTION PLAN** – The Washington Department of Ecology (DOE) has developed a mercury action plan. The action plan prioritizes mercury sources for reduction, evaluates reduction strategies, and identifies areas for further research. The goals of the plan are: (1) virtual elimination of anthropogenic mercury; and (2) minimization of human exposure to anthropogenic mercury. Recommendations for short-term action were developed for relatively large mercury sources where known, cost-effective solutions exist. Consistent with DOE's goals, pollution prevention strategies were preferred over pollution control strategies. DOE issued the plan on 21 February 2003. For more information, contact Michael Gallagher at (360) 407-6868, or link: <http://www.ecy.wa.gov/pubs/0303001.pdf>.

### AIR INFORMATION:

**FINAL REGULATION – PUGET SOUND ASBESTOS DEFINITION** – The Puget Sound Clean Air Agency has changed its definition of asbestos-containing waste material to exclude non-friable material. The change was effective 3 April 2003. For more information, contact Dennis McLerran at (206) 689-4010, or link: <http://slc.leg.wa.gov/wsr/2003/06/03-06-062.htm>.

### Legislative Developments

**The 2003 legislative session convened 14 January. The Legislature will adjourn 3 May. For current information on the legislative session, link <http://www.leg.wa.gov/wsladm>.**

**WASHINGTON HB 1007 – PERMITTING** - Establishes a Permitting Bill of Rights. Finds that citizens of Washington have the following rights when asking for a permit, license, or permission to engage in a lawful activity: (1) right to a specific date in time for a yes or no decision on permits; (2) right to a defined amount of information required to award permit by permitting authority before any application for permits can be accepted; (3) right to know the exact maximum amount of costs in fees, studies, or public processes that will be incurred by the permit applicant; and (4) right to recover all costs and time lost in permitting processes from permitting authorities for transgressions or violations or abuse of authority in the rights set forth in this act, through civil process. Introduced and referred to House State Government Committee 13 January 2003. The sponsor is Representative Jeff Morris (D).

**WASHINGTON HB 1017 – TRANSPORTATION** - Requires gravel trucks to be covered. Effective immediately. Introduced and referred to House Transportation Committee 13 January 2003. The sponsor is Representative Toby Nixon (R).

**WASHINGTON HB 1097 – WATER USE** - Declares intent to authorize the Department of Ecology to create a pilot rule allowing water banking to facilitate the reallocation of water and reduce water transfer transaction costs. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 16 January 2003. Hearing held 4 February. The sponsor is Representative Kelli Linville (D).

**WASHINGTON HB 1102 – LAND USE** - States that the Department of Natural Resources may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations to convey properties under the jurisdiction of the Department that serve as environmental mitigation sites. Effective 1 July 2003. Introduced and referred to House Transportation Committee 16 January 2003. The sponsor is Representative Edward Murray (D).

**WASHINGTON HB 1376 – WATER CONSERVATION** – Requires persons or entities that want to appropriate water for a beneficial use to apply for a permit. Prohibits use or diversion until the Department of Ecology issues a permit. Disallows appropriation rights for diverters who do not first obtain a permit. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 23 January 2004. The sponsor is Representative Sandra Romero (D).

**WASHINGTON HB 1409 – HAZARDOUS MATERIALS** – Establishes a class 1 civil infraction for a person who discards potentially dangerous litter in any amount. Potentially dangerous litter is defined as litter that is likely to injure a person or cause damage to a vehicle or other property. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology and Parks Committee 23 January 2003. Referred to House Rules Committee 17 February. The sponsor is Representative Dave Upthegrove (D).

**WASHINGTON HB 1467 – LOW EMISSION VEHICLES** - Provides a sales and use tax reduction for the purchase of hybrid and fuel cell vehicles. Effective 1 July 2003. Introduced and referred to House Transportation Committee 28 January 2003. Hearing held 10 February. The sponsor is Representative Doug Ericksen (R).

**WASHINGTON HB 1513 – REMEDIATION** - Requires an owner of contaminated property who desires to have the property decontaminated to use the services of an authorized contractor unless otherwise authorized by the local health officer. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology, and Parks Committee 28 January 2003. The sponsor is Representative Jeannie Darneille (D).

**WASHINGTON HB 1534 – WATER QUALITY** – Authorizes the State to bring legal action to carry out the provisions of chapter 90.48.037 RCW. However, the Department of Ecology must rely solely on its authority granted under law to condition, limit, regulate, or control any claim, permit, or certificate to withdraw or divert water. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. Reported from Committee 28 February. The sponsor is Representative Cary Condotta (R).

**WASHINGTON HB 1536 – WATER USE** - Declares that the annual consumptive quantity of a water right is not less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of change or transfer, if: (1) the reduced use is due to cropping patterns or system efficiencies; (2) the water right holder intends to fully exercise the right; and (3) the water right holder has the ability to make beneficial use of the full right. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. Passed to Rules Committee for second reading 4 March. The sponsor is Representative Janea Holmquist (R).

**WASHINGTON HB 1537 – WATER USE** - Creates procedures for relinquishing water rights. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. The sponsor is Representative Bruce Chandler (R).

**WASHINGTON HB 1543 – WATER USE** - Creates the Washington Water Commission, which will supervise the public waters within the state, supervise construction and inspection of all water works, determine discharges of streams, springs, and other sources of water supply, and provide assistance to applicants for water rights. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. The sponsor is Representative Janea Holmquist (R).

**WASHINGTON HB 1689 – WATER USE** - Establishes criteria for development of municipal separate storm sewer system permits. Effective 1 July 2003. Introduced 3 February 2003. The sponsor is Representative Kelli Linville (D).

**WASHINGTON HB 1705 – RECYCLING** - Levies a one dollar per tire fee on the retail sale of new replacement vehicle tires. Effective 1 July 2003. Introduced 4 February 2003. Referred to House Fisheries, Ecology, and Parks Committee 5 February. The sponsor is Representative Geoff Simpson (D).

**WASHINGTON HB 1743 – HAZARDOUS WASTE** – Requires that the Department of Ecology, in consultation with representatives of the waste management industry, business, local government, environmental groups, and other interested parties, to: (1) by 1 July 2004, adopt amended rules governing the financial assurance, pollution liability, and closure plans at facilities, including recyclers and used oil processors, to assure that adequate funds will be available to pay for safe and orderly cleanup and/or closure at those facilities; (2) by 1 July 2004, adopt a rule to establish a system for authorizing recycling and used oil processing operations that are not currently subject to hazardous waste permits; and (3) by 30 September 2003, submit recommendations to the Legislature for the 2004 legislative session, addressing a fee- based system to provide adequate funding for the Department's permitting, compliance, and assistance programs for hazardous waste facilities, including recyclers and used oil processors. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology, and Parks Committee 5 February 2003. The sponsor is Representative Jeff Cooper (D).

**WASHINGTON HB 1818 – LOW EMISSION VEHICLES** - Allows low-emission vehicles to use HOV lanes at all hours. Effective 1 July 2003. Introduced and referred to House Transportation Committee 10 February 2003. The sponsor is Representative Laura Ruderman (D).

**WASHINGTON HB 1876 – WATER QUALITY** - Requires major construction projects using large quantities of fill material to use a leaching test to determine chemical suitability of potential fill material and to ensure that the fill material does not pose a threat to water quality. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 11 February 2003. The sponsor is Representative Kelli Linville (D).

**WASHINGTON HB 1942 – ELECTRONIC WASTE** - Declares that, except as provided in this bill, every manufacturer must develop, submit to the Department of Ecology, implement, and finance the implementation of a plan for the collection and the recycling or reuse of sixty-five percent, by weight, of all electronic waste from its own products each year. Requires the plan to provide and promote convenient, strategically located fixed collection sites to serve urban and rural populations throughout the state. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology, and Parks Committee 17 February 2003. The sponsor is Representative Jeff Cooper (D).

**WASHINGTON HB 2064 –MILITARY INSTALLATION SUSTAINABILITY (BRAC 2005)-** Requires the Joint Committee on Veterans' and Military Affairs to conduct a Washington military facilities study to determine and coordinate statewide efforts needed to ensure that all military facilities in Washington remain open. Effective 1 July 2003. Introduced 20 February 2003. Referred to House Rules Committee 5 March. The sponsor is Representative Alex Wood (D).

**WASHINGTON HB 2106 – WATER USE** - Acknowledges that rights, including rights to water, may be used to establish Federal land reservations through Federal law, including Federal treaties. Clarifies that this acknowledgment shall not be construed as expanding or establishing a state law basis for such rights. Effective 1 July 2003. Introduced 24 February 2003. Hearing held 4 March. The sponsor is Representative Kelli Linville (D).

**WASHINGTON HB 2140 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Establishes the Washington State Conservation Commission as the successor to the State Soil and Water Conservation Committee. Introduced 25 February 2003. Referred to House Appropriations Committee 5 March. Reported from Committee 10 March. The sponsor is Representative William Grant (D).

**WASHINGTON HB 2207 – WATER QUALITY** - Finds that (1) proper collection and review of credible water quality data is necessary to ensure compliance with the requirements of the federal Clean Water Act; (2) developing and implementing water quality protection measures based only on credible water quality data ensures that the financial resources of state and local governments and regulated entities are prioritized to address our state's most important water quality issues; and (3) the state currently lacks standards relating to the collection of water quality data. Introduced 5 March 2003. Failed 5 March. The sponsor is Representative Brian Hatfield (D).

**WASHINGTON SB 5028 – WATER QUALITY** - Clarifies the state's authority to regulate water pollution. Introduced and referred to Senate Natural Resources, Energy and Water Committee 13 January 2003. Reported from Committee and referred to House Rules Committee 6 February. The sponsor is Senator Bob Morton (R).

**WASHINGTON SB 5087 – WATER USE** - Creates the Washington Water Commission, which will supervise the public waters within the state, supervise construction and inspection of all water works, determine discharges of streams, springs, and other sources of water supply, and provide assistance to applicants for water rights. Effective 1 July 2003. Introduced and referred to the Senate Natural Resources, Energy, and Water Committee, 15 January 2003. The sponsor is Senator Jim Honeyford (R).

**WASHINGTON SB 5106 – WATER USE** - Declares that the annual consumptive quantity of a water right may not be deemed to be less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of change or transfer, if: (1) the reduced use is due to cropping patterns or system efficiencies; (2) the water right holder intends to fully exercise the right; and (3) the water right holder has the ability to make beneficial use of the full right. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 15 January 2003. Reported from Committee and referred to Senate Rules Committee 17 February. The sponsor is Senator Mike Hewitt (R).

**WASHINGTON SB 5145 – GROUNDWATER** – Prohibits withdrawal of public ground waters and construction of water works before receipt of a permit from the Department of Ecology. Makes an exception for withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for residential use in an amount not exceeding 5,000 gallons a day, or for an industrial purpose in an amount not exceeding 5,000 gallons a day. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 15 January 2003. The sponsor is Senator Joyce Mulliken (R).

**WASHINGTON SB 5285 – WATER USE** – Requires the Department of Ecology to prepare and distribute technical and educational information to assist water users in complying with their water rights and applicable water laws. When the Department determines that a violation has occurred or is about to occur, it shall first seek voluntary compliance by informing and educating the responsible person or persons regarding the law, specifying the reason that the action or incipient action is not allowed under the law, and listing the potential penalties and sanctions that may be brought if compliance is not achieved. As part of this first response, the Department shall identify alternative means to accomplish the person's purposes within the framework of the law. If education and technical assistance do not achieve compliance, the Department shall issue a notice of violation, a formal administrative order, or assess penalties unless the noncompliance is corrected. Effective 1 July 2003. Introduced 20 January 2003. Referred to Senate Natural Resources, Energy and Water Committee 21 January. The sponsor is Senator Karen Fraser (D).

**WASHINGTON SB 5287 – WATER USE** - Recognizes and seeks to integrate the interests encompassed by federal reserved rights, rights secured to Indian tribes under federal treaties, and applicable requirements of federal law. Effective 1 July 2003. Introduced 20 January 2003. Referred to Senate Natural Resources, Energy, and Water Committee 21 January. The sponsor is Senator Karen Fraser (D).

**WASHINGTON SB 5334 – WATER USE** - States that the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location. Allows the holder to change the manner or the place of use of the water. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 21 January 2003. Hearing held 30 January 2003. The sponsor is Senator Jim Honeyford (R).

**WASHINGTON SB 5345 – WATER** – Requires a dam or other obstruction across or in a stream to include a durable and efficient fishway approved by the Director of the Department of Fish and Wildlife. Requires the fishway to be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish. States that this does not apply to installed drainage infrastructure including dikes, drains, tide gates, pumps, drainage tiles, and drainage pipe existing as of the effective date of this

bill, nor to the repair, improvement, or replacement of such infrastructure, if that infrastructure protects land used for agricultural, residential, industrial, commercial, recreational, transportation, parking facilities, or other legal uses. Effective 1 July 2003. Introduced and referred to Senate Parks, Fish, and Wildlife Committee 21 January 2003. The sponsor is Senator Mary Margaret Haugen (D).

**WASHINGTON SB 5534 – AIR QUALITY** - Provides that no motor vehicle may discharge visible smoke for more than ten seconds. States that the Act does not apply to vehicles 25 or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 28 January 2003. The sponsor is Senator Karen Keiser (D).

**WASHINGTON SB 5594 – HAZARDOUS WASTE** - Declares that the management, regulation, and oversight of wastes at hazardous waste management facilities, including recyclers and used oil processors, is essential to prevent adverse effects on the environment and the economy and to protect public health and safety. Directs the Department of Ecology to manage the process. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 30 January 2003. Hearing held 12 February. The sponsor is Senator Bob Morton (R).

**WASHINGTON SB 5691 – WETLANDS** - Requires the Department of Ecology to review wetlands compensatory mitigation projects and evaluate the adequacy of hydrological information presented by a project proponent to determine the likelihood of success of the project. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 5 February 2003. The sponsor is Senator Debbie Regala (D).

**WASHINGTON SB 5698 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** – Allows any citizen to commence a civil action on his or her own behalf against any person who is alleged to have violated an environmental or public health standard or requirement, or an order issued by a governmental agency with respect to such a standard or requirement, if there is evidence of more than one day or instance of violation. Authorizes the court, upon finding violation of an environmental or public health standard or requirement, to assess a civil penalty against the violator in an amount not to exceed \$10,000 per violation per day of violation unless justice so requires. Effective 1 July 2003. Introduced and referred to Senate Judiciary Committee 5 February 2003. The sponsor is Senator Adam Kline (D).

**WASHINGTON SB 5776 – LAND USE** - Reforms the process for appeal and review of certain permit decisions made by state agencies for certain qualifying projects. Establishes uniform, expedited, and consolidated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review. Effective 1 July 2003. Introduced and referred to Senate Land Use and Planning Committee 10 February 2003. The sponsor is Senator Mark Doumit (D).

**WASHINGTON SB 5787 – WATER QUALITY** - Requires major construction projects involving large quantities of fill material to use a leaching test to determine chemical suitability of potential fill material and to ensure that the fill material does not pose a threat to water quality, Effective 1 July 2003. Introduced and referred to Senate Natural Resources and Energy Committee 11 February 2003. The sponsor is Senator Bob Morton (R).

**WASHINGTON SB 5884 – AIR QUALITY** - Requires the Department of Ecology to develop a strategy to address toxic air pollutant emissions based on their relative risk to public health. The toxic air pollutant emission strategy must: (1) Identify the most significant toxic air pollutants being released in Washington; (2) Include an evaluation, based on existing scientific information, of the risks associated with the identified toxic air pollutants; (3) Evaluate the relative public health risk posed by the toxic air pollutants; and (4) Prioritize the toxic air pollutants by the relative risk. Requires the Department to establish a ten-year schedule to adopt emission reduction standards that significantly reduce emissions of the top ten toxic air pollutants. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 14 February 2003. The sponsor is Senator Karen Keiser (D).



**WASHINGTON SJR 8002 – WILDFIRE PREVENTION** - Requests that there be aggressive, immediate, and continued forest health-related management activities on all forestland and on all Washington national forests. States that such efforts will reduce the effects of catastrophic wildfire that threaten all forest values, including wildlife, water quality, and recreation opportunities. States that aggressive management will protect communities within and surrounding the forests. Effective immediately. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 15 January 2003. Amended and reported from Committee 29 January. Referred to Senate Rules Committee 30 January. The sponsor is Senator Bob Morton (R).

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